GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.118/21 (254) LD/2009   Dated 08/07/09

NOTIFICATION

In supersession of Notification No. 21 (191) LD/2000/60/03 dated the 12th February, 2003 published in Extraordinary Gazette No. 28 dated the 17th February, 2003, the Governor of Sikkim is hereby pleased to appoint Shri J.B. Pradhan, Advocate as Additional Advocate General with the following terms and conditions with immediate effect, namely:-

1.   The duties of the Additional Advocate General shall be as follows:-

   a. to advise the State Government, without any fees, upon such legal matters as may be referred to him by the State Government;

   b. to represent the State Government in the Supreme Court;

   c. to represent the State Government in the High Court in proceedings of importance, civil or criminal, original or appellate when specifically directed to do so by the State Government;

   d. to assist the High Court in cases of special importance;

   e. to appear in a Lower Court if the Legal Remembrance and Secretary, Law Department on account of special importance of the case or matter arising out of the case, refers such case to him on particular date. He shall also appear in a Lower Court when the Government Advocate in charge of the case considers, in view of the special importance of the case, that the Additional Advocate General should conduct the case assisted by such Government Advocate. He may appear in such Court with the approval of the Legal Remembrancer and Secretary, Law Department;

f. to discharge the functions conferred upon him under any other Law for the time being in force;

g. to represent the State Government at all stages before the High Court.

2. The Additional Advocate General shall, always, be assisted in a case by a Government Advocate.

3. The Additional Advocate General shall not accept private briefs which may be adverse to the interests of the State Government.

4. The Additional Advocate General shall be paid a monthly retainer fee of Rs. 10,000/-.

5. The Additional Advocate General shall be provided with a free transport with 150 ltrs. of POL/HSD per month.

6. The Additional Advocate General shall be paid House Rent Allowance @ Rs. 3,000/- per month in lieu of an official residence.

7. The Additional Advocate General shall be provided with telephone facility at his residence and office at par with the Heads of Department of the State Government.

8. The Additional Advocate General shall also be entitled to the following rates of fees:-

a.	Daily appearance fee for appearing before the High Court of Sikkim and other Courts of Sikkim.	Rs. 810/- per case per day subject to maximum of three fees per day.
b.	Daily appearance fee for appearing before the Supreme Court or any other Court outside Sikkim.	Rs. 5,000/- per case per day subject to maximum of three fees per day.
c.	Waiting fee	Rs. 810/- per day.
d.	Fee for settlement of draft. subject to maximum of three drafts per day.	Rs. 500/- per draft
e.	Consultation fee consultation subject to a maximum of five consultations per day.	Rs. 300/- for each
f.	TA/DA, Leave and Medical facilities.	As are admissible to Group 'A' Officers under the relevant rules in the State Government.

Explanation- Waiting fee as indicated in (c) above shall be payable when the Additional Advocate General has to go out of the State in connection with State Government cases and only during the period of transit waiting.

9. The Additional Advocate General shall be provided with office accommodation and such other staff as the Government may provide from time to time.

10. If any doubt arises regarding interpretation of this Notification, the Law Department with the approval of the Minister-in-Charge of the Department shall interpret and decide the matter.

By Order and in the name of the Governor.

R.K. PURKAYASTHA, SSJS,
Legal Remembrancer-cum-Secretary,
Law Department.